

November 21, 2013

Jared Blumenfeld
Regional Administrator
U.S. Environmental Protection Agency, Region 9
75 Hawthorne Street
San Francisco, CA 94105
Via Electronic Mail: Blumenfeld.jared@epa.gov

DATE 11/27/2013	
ACTION (✓)	COPIED (✓)
RA	RA
DRA	DRA
AIR	AIR
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Re: RDA Stormwater Petitions - Municipal Organizations Request Opportunity for Stakeholder Input

Dear Jared:

The American Public Works Association (APWA), the National Association of Clean Water Agencies (NACWA), and the National Association of Flood & Stormwater Management Agencies (NAFSMA), would like to thank the U.S. Environmental Protection Agency (EPA) for continuing to encourage the participation of the municipal stormwater community in federal stormwater management initiatives. This summer, a coalition of organizations submitted three petitions to EPA Regions 1, 3, and 9 asking the respective Regional Administrators to invoke EPA's rarely used "residual designation authority" (RDA) and require Clean Water Act (CWA) discharge permits for certain industrial, commercial, and institutional sites discharging stormwater to impaired waterways. Because our organizations and members will be directly impacted if the petitions are granted, we request that the Agency provide an avenue for stakeholder input as part of the petition review process.

This input would allow for municipal comment on the petitions, their components, and possible implementation plans. We recognize that there is no formal process for formal comment as part of EPA's RDA regulations, and we also understand that the petitioners are sensitive to any process that could unduly delay a decision on the petitions. Accordingly, we believe a comment process could be designed in a manner that does not involve formal publication in the Federal Register, but instead could involve posting the petitions on the Agency website and requesting any public input within a specific – say 30 or 45 day – period of time. Such a process would allow for important input from stakeholders, especially the regulated community, and also provide additional transparency as EPA evaluates the petitions.

APWA, NACWA and NAFSMA are currently reviewing the petitions and gathering input from our members on potential impacts for municipal stormwater utilities. We have shared concerns and questions regarding the petitions with the Petitioners. While there may be petition elements that would enable municipal stormwater agencies to better address water quality issues, it is important those most potentially affected by these petitions be given the opportunity to provide input as EPA considers a response.

APWA, NACWA and NAFSMA appreciate the opportunity to provide this suggestion, and look forward to participate in the RDA petition review process. We look forward to hearing from you.

Sincerely,



Peter King
Executive Director
American Public Works Association



Ken Kirk
Executive Director
National Association of Clean Water Agencies



Susan Gilson
Executive Director
National Association of Flood & Stormwater Management Agencies

CC: Nancy Stoner, Acting Assistant Administrator, US EPA Office of Water

Deborah Nagle, Director, Water Permits Division, US EPA Office of Water